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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3962 OF 2007

The State of Maharashtra & ors. ... Petitioners

V/s

Chandrakant Parshuram Powar ... Respondent

Mr. D.A. Patil, A.G.P. for the petitioners.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 25TH JULY, 2007.

P.C.:

1. The petition has been filed challenging the order of the Labour Court in Complaint (ULP) No. 10 of 1992 and of the Industrial Court in Revision Application (ULP) No. 153 of 2005. The Labour Court has declared that the petitioner has committed an unfair labour practice under Items 1(a) & (b) of Schedule IV of the M.R.T.U. & P.U.L.P. Act. The petitioners were directed to reinstate the respondent workman on his original post. There was no order for payment of back wages as the respondent workman had conceded that he would not claim the back wages. The Industrial Court has confirmed the view taken by the Labour Court. Both the Courts below have found that the contention raised by the petitioners

that the respondent workman had abandoned the services, was not proved. No enquiry was held against the respondent workman, nor were the petitioners able to prove that the workman had abandoned his services.

2. In this view of the matter, the Labour Court allowed the complaint and the Industrial Court dismissed the revision application.

3. There are no errors of law apparent on the face of the record requiring interference from this Court under Art. 227 of the Constitution.

4. Petition rejected.

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